

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

LELAND S. CHASE,	)	
	)	
Claimant,	)	<b>IC 00-008980</b>
v.	)	
	)	
COEUR D'ALENE CRANE	)	<b>ORDER DENYING</b>
& CONSTRUCTION,	)	<b>RECONSIDERATION</b>
	)	
Employer,	)	
and	)	Filed November 16, 2004
	)	
STATE INSURANCE FUND,	)	
	)	
Surety,	)	
Defendants.	)	
	)	

---

Pursuant to Idaho Code, § 72-718, Claimant moves for reconsideration of the Industrial Commission's decision of October 4, 2004, in the above-referenced case. Claimant filed his motion for reconsideration on October 27, 2004, together with a supporting memorandum. Defendants filed a reply to Claimant's motion on November 1, 2004. Claimant then filed a brief in response on November 3, 2004. Defendants' responsive brief of November 9, 2004, is not provided for under the Commission rules, and will therefore, not be considered. Rule 3(F), Judicial Rules of Practice and Procedure (JRP). Claimant argues that the Commission made various errors of fact and law concerning the issue of Claimant's alleged industrial accident.

Idaho law provides that a party must file a request for reconsideration no later than 20 days from the date an order is issued. Idaho Code, § 72-718 and Rule 3(F), JRP.

In this case, Claimant filed his motion for reconsideration on the 23<sup>rd</sup> day following the order.

Claimant argues that Rule 6(e)(1), Idaho Rules of Civil Procedure, gives Claimant an additional three days to file for reconsideration. Rule 6(e)(1) does not govern here. This case comes within the rules promulgated by the Industrial Commission. The Judicial Rules of Practice and Procedure under the Idaho Workers' Compensation Law are the procedural rules to be followed when proceeding before the Industrial Commission. Claimant could have filed his pleadings by facsimile transmission to comply with the time limits. Rule 4(A), JRP. Claimant's motion is untimely.

Moreover, the arguments made in Claimant's motion are repetitive of Claimant's initial arguments in the original case. Claimant has presented no factual or legal basis that was not already considered in issuing the original decision.

Based upon the foregoing reasons, Claimant's Motion for Reconsideration should be, and is hereby, DENIED.

DATED this 16<sup>th</sup> day of November, 2004.

INDUSTRIAL COMMISSION

/s/ \_\_\_\_\_  
R. D. Maynard, Chairman

/s/ \_\_\_\_\_  
Thomas E. Limbaugh, Commissioner

/s/ \_\_\_\_\_  
James F. Kile, Commissioner

ATTEST:

/s/  
Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_16<sup>th</sup>\_\_ day of November, 2004, a true and correct copy of the foregoing **ORDER DENYING RECONSIDERATION** was served by regular United States Mail upon each of the following:

JAMES P. HANNON  
1424 Sherman Ave., Ste. 200  
P.O. Box 3190  
Coeur d'Alene, ID 83816

GARDNER W. SKINNER, JR.  
Cantrill, Skinner, Sullivan, & King LLP  
P.O. Box 359  
Boise, ID 83701

/s/\_\_\_\_\_